IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.8229 OF 1997
IN
CIVIL WRIT PETITION NO.1216 OF 1989

Shri Mallu Bhaarma Patil — Applicant
Vs.
The Director of Resettlement
Secretary to Government of
Maharashtra & ors. — Respondents

Mr.N.J.Patil for applicant.

Mr.P.M.Patil, AGP for Resp.Nos.5 and 6.

CORAM: B.H.MARLAPALLE & D.B.BHOSALE,JJ.

April 05, 2006.

P.C.

1. Writ Petition No.1216 of 1989 came to be dismissed as withdrawn by order dated 24/1/1996 on the basis of the statement made by the learned counsel for the petitioner that the Government had decided to delete the petitioner's land from the acquisition proceedings. This civil application has been filed contending that after the petition was withdrawn the officers from the Collectorate, Kolhapur visited the subject land and indicated that it was sought to be acquired. While granting Rule on 19/1/1998 ad-interim relief in terms of prayer clause (a) was ordered in this application and as a result thereof the Government authorities were injuncted from taking or entering into the land of the

petitioner or disturbing him from its peaceful possession. The petitioner's land located in Gat No.476 admeasures 55 Ares and from Gat No.478 of village Chinchwad it admeasures 26 Ares.

2. The petition was withdrawn on the basis of the letter dated 5/9/1989 issued from the Department of Revenue and Forest, Government of Maharashtra addressed to the Collector, Kolhapur whereunder it was informed that the State Government had taken a decision to delete the entire Chinchwad village in Karvir Taluka from the benefit zone of Dudhganga project though the Award was passed on 24/11/1988.

3. We are now informed by the learned AGP on the basis of the record handed over to him by the Land Acquisition Officer concerned that immediately on receipt of the letter dated 5/9/1989 the Collector, Kolhapur represented to the State Government against the deletion of village Chinchwad from the project. Therefore, the Government of Maharashtra issued fresh order on 21/6/2001 informing the Collector that village Chinchwad has been included in the project area. Thus the acquisition proceedings stand revived

and, therefore, the petition dismissed as withdrawn will have to be restored.

4. Consequently Rule is made absolute in terms of prayer clauses (a) and (b).

5. List Writ Petition No.1216 of 1989 for final hearing in the Board commencing from 10th April 2006.

(D.B.BHOSALE,J.) (B.H.MARLAPALLE,J.)